



**NATIONAL DRUG POLICY BOARD**  
Washington, D.C. 20530

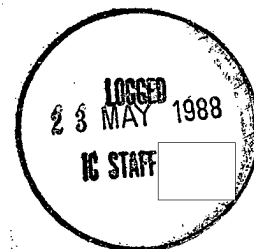
MAY 20 1988

FROM: *John C. Lawn* 760520/88  
John C. Lawn, Chairman  
National Drug Intelligence Committee

SUBJECT: Meeting on May 24, 1988

TO: National Drug Intelligence Committee

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On Wednesday the President announced that a joint task force of the executive and legislative branches would be created and given 45 days to provide him recommendations for the war on drugs. As a first step, the National Drug Policy Board has tasked the nine lead agency chairmen with the development of legislative proposals. Intelligence-related proposals will be discussed at a special meeting of the National Drug Intelligence Committee on Tuesday, May 24, at 11:00 a.m. in the 12th floor conference room at DEA Headquarters.

Enclosed is a list of initiatives drawn from a variety of sources. Please be prepared to discuss these and to present any other initiatives you feel have merit. A one page format is provided by the Policy Board Staff to assist us in processing the suggested initiatives.

Please notify Mr. Thomas Byrne or Mr. Patrick Tarr (633-1071) of your agency's attendee(s) at the Tuesday meeting. Thank you for your assistance in this important endeavor.

Enclosures

cc: Mr. Frank Keating  
Mr. Dave Pickens  
Mr. Craig Coy

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LEGISLATIVE INITIATIVES

A. PROBLEM/SITUATION: Why is the legislation needed; what will be remedied?

B. PROPOSAL: Provide a brief statement describing the legislation.

1. History/Status: Indicate history of similar proposals and current status (i.e. proposed in Drug-Free America Act of 1986; currently part of S-XXXX; new agency initiative, etc.).

2. Proposed Language: Include/attach if available.

Submitted by: (Committee/Agency)

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LEGISLATIVE INITIATIVES FOR  
THE CRUSADE FOR A DRUG-FREE AMERICA:  
THE NEXT STEP - ZERO TOLERANCE

**THEME: BOLD INTERNATIONAL OPERATIONS AND CONTROL**

Items 1, 2, and 3 (International) - Refer to the International Standing Committee to develop legislative language.

1. Weapons and military assistance for anti-narcotics forces in cooperating foreign countries.
2. Increased international eradication/crop substitution funding in conjunction with UNFDAC and through bilateral agreements.
3. Increased intelligence capabilities with authority for DCI to provide intelligence information for law enforcement investigations against American citizens engaged in narcotics trafficking.
4. Revise certification procedures/process to make it more workable.

Item 3 (International) - CIA to assist International Standing Committee.

**THEME: STRONG DOMESTIC LAW ENFORCEMENT**

Item 1 (Law Enforcement) - Refer to Prosecution Committee for specific language.

1. Drug Free America Act of 1986 (transmitted Sept.15, 1986).
  - Language permitting the death penalty against a person who intentionally kills another while engaged in a continuing drug enterprise;
  - Establishment of "good faith" exceptions to the exclusionary rule, which prohibits introduction of illegally seized evidence in criminal cases;
  - Language modernizing and clarifying the statutory basis for the Marshals Service to permit it to carry out its law enforcement responsibilities more effectively;
  - Establishment of a system for reporting on the manufacture and sale of precursor and essential chemicals;
  - Language exempting certain drug abuse related Government contracts from the procurement laws and permitting domestic dissemination of USIA materials warning against the dangers of illegal drug use; and
  - Amendments to the Civil Service Reform Act and Rehabilitation Act to clarify that they do not bar Federal agencies from taking disciplinary action against Federal employees found to be using illegal drugs.

Item 1(4) (Law Enforcement) - DEA to provide language.

Item 1(6) (Law Enforcement) - Delete

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Item 2 (Law Enforcement) - Agreed to in principle - refer to Prosecution Committee for specific language.

2. Criminal Justice Reform Act (transmitted Oct. 16, 1987).

- Establishment of constitutional procedures for imposition of the death penalty in appropriate Federal cases;
- Establishment of a "good faith" exception to the exclusionary rule; and
- Language reforming Federal habeas corpus procedures to give greater finality to the judgement of State courts.

Item 3 (Law Enforcement) - Mr. John C. Lawn to review list in this section and report to Mr. Francis A. Keating by May 25.

3. Increased Assistance to State/Local Law Enforcement for Zero Tolerance Programs, particularly:

- Amend law enforcement grant program funding and Forfeiture Fund statutes to permit law enforcement agencies to use funds provided for demand reduction activities.
- Increased street level enforcement with additional support for joint DEA/Local Crack Task Forces;
- Participation in federal law enforcement operations, like Operation Alliance, Operation Hat Trick, Organized Crime Drug Enforcement Task Forces (OCDETF);
- Payment of overtime compensation for participation in joint Federal operations; and
- Domestic eradication programs.

Item 4 (Law Enforcement) - Ms. Ann B. Wroblewski and Mr. John C. Lawn to work out position on this section.

4. Rewards for individuals providing information leading to the arrest and conviction of drug traffickers, similar to the reward program for terrorism (18 U.S.C. 3071).

Item 5 (Law Enforcement) - HUD will review how this section can be improved.

5. Increased Law Enforcement Assistance for Public Housing with mandatory drug testing for security personnel.

Item 6 (Law Enforcement) - The Financial Enforcement Subcommittee (Hilsher) to review this section for language.

6. Investigations.

- Allow disclosure of IRS Form 8300 (Report of \$10,000 Received in Trade or Business). Also transfer 26 U.S.C. 6050 to Title 31. Also amend Non-Disclosure Statute;

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- Remove restrictions on the use of Federal Reserve data;
- Amend 18 U.S.C. 1856 (Money Laundering) to include customs violations, such as fraud and copyright violations as predicate offenses; define "gross proceeds" to mean receipts and not merely profits; and include a minimum mandatory sentence;
- Add CTR exemption list to financial data base;
- Grant Customs Foreign Bank Account Report (FBAR) investigative jurisdiction;
- Strengthen 18 U.S.C. 981 forfeiture through "facilitation" clause; and

Item 7 (Law Enforcement) - Prosecution Committee to review and draft language.

7. Mandatory Minimum Sentences For:

- Drug traffickers;
- Drug traffickers using youth in distribution; and
- Drug traffickers selling to youth.

**THEME: INCREASED INTERDICTION EFFORTS**

Item 1 (Interdiction) - DOD (Olstead) to develop better language.

1. Increase military contribution by providing additional resources (as requested by law enforcement agencies); use of reserve training periods for anti-drug operations; use of National Guard, Reserves, and active military for domestic eradication; no arrest authority for military personnel.
2. Increase research and development for technological methods to detect narcotics in containers; designate national labs with law enforcement mission.
3. Provide civil and criminal penalties against financial institutions for violations of the recordkeeping provisions of the Bank Secrecy Act (similar to penalties for violations of reporting provisions).
4. Specify the mission of the Coast Guard in 14 U.S.C., "Roles and Missions" to address Coast Guard law enforcement over the high seas, i.e. interdiction in the air environment, as well as interdiction on and under the sea.

Item 2 (Interdiction) - R&D working group to review this provision.

Item 3 (Interdiction) - Financial Enforcement Subcommittee review this provision.

Items 4, 5 and 6 (Interdiction) - Refer to Interdiction Committee for specific language.

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5. Grant explicit authority to Coast Guard and Customs over aircraft -- to order a landing, inspect aircraft, compel compliance with landing request and, when a Customs or Coast Guard aircraft or vessel is launched or dispatched, authorize the government to require payment by the owner/operator of the reasonable operational costs incurred in identifying the suspect aircraft. Authorize the imposition of requiring the owner/operators of vessels to pay the reasonable operational costs incurred in identifying suspect vessels.
6. Require all civil aircraft operating into, within or out of a coastal Air Defense Identification Zone (ADIZ) to be equipped with an operating transponder.
7. Require all general aviation aircraft entering U.S. airspace to fly established "air corridors" enroute to international airports of arrival.
8. Clarify that Navy and U.S.C.G. Taclet personnel conducting operations under Posse Comitatus exception, have similar immunity from civil liability in the use of force to compel compliance with orders to allow boarding, as do Coast Guard personnel.
9. Provide explicit extraterritorial application of 19 U.S.C. 844 (simple possession), in order to allow for the inclusion of possession as a lesser-included offense in drug trafficking cases.
10. Remove the words "drug interdiction area" from 10 U.S.C. 379, the codification of Coast Guard conducting law enforcement from Navy vessels as a Posse Comitatus exception.
11. Provide an exception to Federal Procurement Regulations authorizing sole source procurement for law enforcement agencies, similar to the exception for defense purposes.

Item 7 (Interdiction) - DOT to work with TIC on language.

Item 8 (Interdiction) - Interdiction Committee to develop language.

Item 9 (Interdiction) - Prosecution Committee to develop language.

Item 10 (Interdiction) - Interdiction Committee to develop language.

Item 11 (Interdiction) - NDCB Staff along with OMB to develop language.

**THEME: USER ACCOUNTABILITY AND DEMAND REDUCTION**

1. Drug Free Communities: Establishment of the National Drug Prevention Agency as independent agency to promote, direct, coordinate anti-drug campaign, similar to ACTION. Member of National Drug Policy Board. Serve as focal point for developing and implementing a national drug prevention public awareness campaign. The Director of the NDPA would serve as member of the National Drug Policy Board.
2. Treatment of Illegal Drug Users: Encourage State and Local governments to establish a new "system" which would facilitate work with both the health and law

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enforcement/judicial officials to track and monitor drug users to maximize effective incentives and sanctions to ensure compliance with a drug free model. Increase resources for drug treatment programs under which the Federal Government, the State Government, and the Local Community Government sharing the funding on a 1/3 - 1/3 - 1/3 basis. Treatment provided under these funds must provide the requirement for drug-free accountability in program and mandatory drug testing of treatment recipients.

3. Zero Tolerance Incentives and User Sanctions for Drug-Free Workplaces, Schools, Transportation, Prisons, and Public Housing:
  - a. Establish additional alternative civil penalties for drug use/possession for use in criminal prosecution. For example:
    - Required public or community service;
    - Fines bases on personal assets or percentage of income;
    - No student loans;
    - No FHA loans;
    - No small business loans;
    - Restrict passport issuance for period of time; and
    - Loss of federal drivers license; encourage states to restrict drivers license.
  - b. Require individual drug tests using federal guidelines for:
    - Federal arrestees and parolees; and
    - All applicants for federal licenses to operate public conveyances, aircraft, or vessels.
  - c. Require proof of drug-free programs.
    - As condition for federal contracts or grants; and,
    - As condition for university/education grants.
4. Amend existing federal legislation for drug abuse education and prevention programs to assure accountability for

Item 4 and 5 (Demand Reduction) - Refer to Drug Abuse, Health and Prevention Coordinating Group for developing of specific language.

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results, with provisions to tie in continued funding to a measurable decrease in drug and alcohol abuse in given schools, counties.

5. Require all federal drug funds to state/local governments are expended on programs that are tied to policy of zero tolerance with sanctions against drug users. For example:
  - Highway grants conditioned on the passage of state legislation restricting drivers licenses of convicted drug users

NOTE: ALL LEGISLATIVE LANGUAGE TO BE DEVELOPED BY COB WEDNESDAY, MAY 25.

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